

Karl G. Perry (UBN 2570)  
Assistant Attorney General  
MARK L. SHURTLEFF (UBN 4666)  
Utah Attorney General  
Commercial Enforcement Division  
160 East 300 South, 5<sup>th</sup> Floor  
PO Box 140872  
Salt Lake City, UT 84114-0872  
Telephone (801) 366-0521

**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSES OF  
CRAIG ALAN MCMANAMA  
TO PRACTICE AS A PODIATRIC PHYSICIAN  
AND TO ADMINISTER AND PRESCRIBE  
CONTROLLED SUBSTANCES  
IN THE STATE OF UTAH

**STIPULATION AND  
ORDER**

Case No. DOPL-2006-70

**STIPULATION**

The Division of Occupational and Professional Licensing of the Utah Department of Commerce (Division) and Craig Alan McManama (Respondent) stipulate and agree as follows:

1. The Respondent admits the jurisdiction of the Division over him and over the subject matter of this action.
2. The Respondent acknowledges that he enters into this Stipulation knowingly and voluntarily.
3. The Respondent understands that he may be represented by an attorney in this matter, and that he is and has been represented by Phillip S. Ferguson, Esq.
4. The Respondent understands that the Division filed a Notice of Agency Action on

March 23rd, 2006, Division Case No DOPL-2006-70, (Division's Petition), and that he is entitled to a hearing before the Utah State Podiatric Physicians Licensing Board (Board), or the presiding officer as designated by the Division Director, at which time he may present to the Board evidence on his behalf, present his own witnesses and confront adverse witnesses. The Respondent acknowledges that by executing this document he waives (a) the right to a hearing before the Board, (b) the right to present evidence on his behalf, (c) the right to present his own witnesses, and (d) the right to confront adverse witnesses, together with such other rights to which he may be entitled in connection with said hearing.

5 The Respondent acknowledges that this Stipulation and Settlement Order, if adopted by the Division Director, will be classified as a public document and may be released to other persons and entities.

6 The Respondent acknowledges and agrees to the following facts:

a On or about July 12, 2001, Respondent first saw patient J M (name withheld for confidentiality). J M 's complaint was for pain in one of her toes. She had been previously diagnosed with hammertoe in the second toe on her left foot. At this time, Respondent examined J M 's feet, he checked the circulation in each foot and muscle strength in each foot. Respondent also looked at the structure of each foot for abnormalities and observed that J M had flexible hammertoes in each of her other 9 toes. He also observed that she had high arches, *pes cavus*, in both feet and that the *pes cavus* condition was likely the cause of both the rigid hammertoe and the flexible hammertoes. Respondent told J M that she probably needed surgery to fix the rigid hammertoe and that she would probably need

surgery to correct the *pes cavus* condition. No X-rays were taken at this time.

Respondent dispensed toe pads and suggested that J. M. return if the pain persisted.

- b. On or about August 20, 2001, J. M. returned to the clinic with reports of increased pain in her 1<sup>st</sup> toe, left foot, 2<sup>nd</sup> toe, right foot, and “in her whole foot” by the end of a typical day. On August 24, 2001, the Respondent performed approximately twenty surgical procedures to reduce the rigid and flexible hammertoes on patient J. M., when a lesser number of procedures may have been better. In addition, the Respondent performed a Steindler Stripping procedure on each foot to resolve the *pes cavus* deformity. Before performing the referenced procedures, Respondent failed to conduct X-rays prior to surgery.

- c. As a result of the surgery performed on J. M., she has undergone additional surgeries in an attempt to reduce her pain and increase her functionality.

- d. Respondent acknowledges that he could have communicated more effectively to the patient that he felt the surgical procedures were appropriate and has made changes in his practice to prevent any further problems of this type.

7. Respondent admits that the above-described conduct is unprofessional conduct as defined in Utah Code Ann. § 58-1-501 (2)(a), and that said conduct justifies disciplinary action against Respondent’s license pursuant to Utah Code Ann. § 58-1-401. Therefore Respondent agrees that an Order shall be entered in this matter as follows:

a. That Respondent shall receive a public reprimand to his license to practice as a Podiatric Physician.

b That Respondent shall take an additional continuing education (CE) class, in addition to the CE required for Respondent to maintain his license. This course shall be in the areas of competency, ethics, skills or such other subject matter that would be helpful for Respondent to prevent any further unprofessional conduct. Such course shall be agreed upon and approved by the Division's Bureau Manager over podiatric physicians and said course shall be completed within 90 (ninety) days from entry of this Stipulation and Order.

c That the Division will not seek any further sanctions against the Respondent's License and that Respondent will not need to present to the podiatric physician board.

8 This Stipulation and Order, upon approval by the Division Director, shall be the final compromise and settlement of this matter. The Respondent acknowledges the fact that the Division Director is not required to accept the terms of this Stipulation and Order and, if the Director does not do so, this Stipulation and the representations contained therein shall be null and void except that the Division and the Respondent waive any claim of bias or prejudice they might have with regard to the Director by virtue of his having reviewed this Stipulation.

9 This document constitutes the entire agreement between the parties and supersedes any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements which modify, interpret, construe or affect this Stipulation.

**DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING**

BY



NOEL TAXIN  
Bureau Manager

**RESPONDENT**

BY




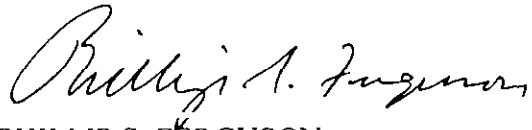
CRAIG ALAN MCMANAMA  
Respondent

DATE 102008

DATE 10/16/08

**APPROVED AS TO FORM**

BY   
KARL G. PERRY,  
Assistant Attorney General

BY   
PHILLIP S. FERGUSON  
Attorney for Respondent


DATE 10/20/2008

DATE 16 Oct. 2008

**ORDER**

THE STIPULATION AND SETTLEMENT AGREEMENT ABOVE regarding Craig Alan McManama, DPM, which is approved by the Division of Occupational and Professional Licensing, constitutes my Findings of Fact and Conclusions of Law in this matter. The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 21 day of October, 2008

  
F. DAVID STANLEY  
Director, Division of Occupational  
and Professional Licensing